

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

763E0583

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1155** - 02/13/2001

Introduced by: Representatives Adelstein and Van Etten and Senators Daugaard, Brown
(Arnold), and McCracken

1 FOR AN ACT ENTITLED, An Act to restrict smoking in public buildings and certain places of
2 business.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-36-2 be amended to read as follows:

5 22-36-2. No person may smoke tobacco or carry any lighted tobacco product in the
6 following places:

- 7 (1) Any hospital or medical or dental clinic;
- 8 (2) Any nursing facility;
- 9 (3) Any public library, museum, indoor theater, or concert hall;
- 10 (4) Any elementary or secondary school building;
- 11 (5) Any public conveyance;
- 12 (6) Any jury room;
- 13 (7) Any elevator;
- 14 (8) Any registered or unregistered day care program, day care center, day care

cooperative, or family day care home governed by chapter 26-6 during the time in which children who are not family members of the day care provider are receiving care;

(9) Any enclosed indoor area used by the general public or serving as a place of work.

This section does not prohibit the smoking of tobacco or tobacco products in the places named in this section, if the smoking is confined to ~~areas~~ an enclosed room designated as a smoking ~~areas~~ area.

A violation of this section is a petty offense.

Section 2. This Act does not apply to the following:

- (1) Any place owned and operated by a social, fraternal, or religious organization when used by the membership of the organization, its guests or families;
- (2) Any place that is rented or leased for private functions from which the public is excluded and for which arrangements are under the control of the sponsor of the function; or
- (3) Any place that is a business and that derives more than fifty percent of its annual gross revenues from gaming or the sale of alcohol or a combination thereof.